SUPPLEMENT TO

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Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber, Public Offices, at 3 P.M. on Wednesday, the 24th July 1907 :—

PRESENT.

V. P. MADHAVA RAO, ESQ., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).
K. P. PUTTANA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
H. J. BHABHA, ESQ., M.A.
RAO BAHADUR M. MUTHANNA, ESQ.
M. KANTHARAJ URS, ESQ., B.A.
S. NARAYANA RAO, ESQ.

Non-official.

RAJAMANTRA PRAVINA C. SREENIVASIENGAR, ESQ.
V. N. NARASIMMIYENGAR, ESQ.
M. C. RANGIENGAR, ESQ., B.A.
B. NAGAPPA, ESQ., (Bar.-at-law).
SYED AMIR HASSAN, ESQ.

K. MYLAR RAO, ESQ., B.A., B.L. (Secretary).

PRESIDENT:—

GENTLEMEN,

Before proceeding to the regular business of this afternoon, allow me on behalf of His Highness the Maharaja to welcome you to this the first meeting of the newly-constituted Legislative Council of Mysore. We are to-day on the threshold of an important constitutional experiment, the second of its kind that has been undertaken in the State since the Rendition. The inauguration of the Representative Assembly more than a quarter of a century ago has been fully justified by the useful work it has done in its own sphere, whereby it has secured a definite place for itself in the scheme of Government. We are now, for the second time, broadening the base of the Administration by inviting the co-operation of a number of official and non-official gentlemen in the discharge of one of the most important functions of Government, that of legislation.

2. As you are aware, the objects intended to be secured by the Legislative Council are, chiefly, as follows:—

(i) To enable the people to place their wants and wishes before the Government through members qualified to represent them.

(ii) To give to legislative measures the benefit of personal discussion by a larger number of competent persons (official and non-official) than is possible under the ordinary Executive Council of three members, and from more varied stand-points.

(iii) To obtain the assistance of gentlemen (whether officials, members of the bar or others) qualified by practical experience and knowledge of the people to give advice in the making of laws and regulations.

(iv) To facilitate and ensure the consideration of the details of every measure by requiring its reference to and examination by a select committee.

(v) More than all, to provide that degree of publicity which is necessary to ensure the free and independent discussion of legislative measures from all points of view.

3. I am aware of the tendency in some quarters to question the practical value of this measure, on the ground that in constituting the Council the Government have proceeded with unnecessary caution; that certain important privileges conferred on the British Indian Councils, such as the power of interpellation and the discussion of the budget, have been withheld from the Mysore Council; and that the selection of non-official members has been kept entirely in the hands of Government.

4. These criticisms seem to me to ignore the conditions in Mysore, which make powers of interpellation to a great extent unnecessary, and the system of selection of members by His Highness the best under existing circumstances.

5. Before I take up these points, I may note another criticism that has been levelled against the Mysore Legislative Council. It was said that the Council as originally constituted did not include representatives of certain communities and interests. In the view taken by Government, the most efficient constitution of the Council is not so much one based altogether or chiefly on the representation of the different communities and interests in the State (a course which is found to be attended with practical difficulties), as one that ensures that the members selected are persons who are qualified, on the one hand, by their ability and attainments to assist the Government in the enactment of laws, and on the other, to understand and give proper form and expression to the views and sentiments of the people. There is already provision for particular communities or interests affected by proposed legislation being represented on select committees.

6. It is also a matter of common knowledge that, in the existing conditions of society, Government service and a few of the learned professions—notably the bar—attract the bulk of the intelligence and ability of the country, and until these conditions change largely, representation of the people to be effective has to depend mostly on these classes.

[*President.*]

7. Now, as regards the powers of interpellation and discussion of budgets, these no doubt have been given to the Legislative Councils in British India, but they were given at a late stage of the existence of those Councils, and you can well understand how a Native State like Mysore has to move even more cautiously than the British Indian Government in these matters. But, as I have remarked above, there is not the same necessity for granting them to the Legislative Council in Mysore as there is in British India. Mysore already possesses a Representative Assembly, in which it is open to the elected representatives of the people to make any representation they may consider necessary on administrative measures and on matters affecting the well-being of the people, and elicit information from Government; and how freely the Assembly has availed itself of this privilege from the very commencement, is a matter of common knowledge not only in Mysore but all over India. In fact, this privilege has been appreciated so much that, at the last session of the Assembly, when the question of instituting a Legislative Council was under consideration, the representatives were anxious to be assured that the constitution of a Legislative Council did not imply the withdrawal of the valued privilege.

8. As regards selection of members, I am far from denying the desirability of having the non-official members elected by a properly defined electorate, and I have no doubt that in a not distant future His Highness will be able to see his way to extend this further privilege to the people. A reference to the explanatory order which was published with the Regulation will show that the throwing open of a certain proportion of the seats on the Council to election by recognized public bodies like the Representative Assembly, is only a question of time, and has merely been postponed till sufficient experience should have been gained as to the most suitable mode of giving effect to the principle. The power to make rules in this behalf has been expressly reserved, as you will see, by section 5 of the Regulation. But I do not know if, under existing circumstances, the system of nomination by His Highness the Maharaja is not better adapted for securing efficient representation of the people than election either by the Representative Assembly or Local Boards.

9. It has again been objected that the non-official members now nominated are most of them retired officials. Far from looking upon this as a disqualification, I consider that the Council deserves to be congratulated on the fact that it has been able to secure as its members gentlemen who, having retired from the service of the State and earned a well-deserved rest, have so readily consented to place the benefit of their experience and instructed intelligence at the disposal of the Council. No one can question their representative character. They are of the people; they live in the country and own lands and other properties therein, and have as large a stake as any person can have in the stability and good government of the State and the happiness of its subjects. If they help to make good laws, they share the blessings of such laws in common with their fellow-subjects, and if the laws they help to enact are bad and trench on the liberty of the subject and are oppressive to him, they have to share these disadvantages equally with other subjects of the State. They have every claim to represent the people, and are such as would, under a system of election, secure the suffrages of any intelligent electorate.

10. One of the points of administrative reform in British India on which stress is laid by leaders of Indian opinion, has reference to the fact that high officials who have acquired valuable experience and skill in administration at the expense of the raiyat, carry away from the country all this experience and skill when they retire from the service. We are more fortunate here in Mysore in that our retired officers do not leave the country, and their knowledge and experience are not lost to the service of the people.

Influence among the people, ability to voice their wants and wishes and independence of thought and expression, are qualities necessary in every representative of the people, and it will readily be granted that retired officials possess these qualities in an equal measure with other non-official representatives, if not in a greater degree.

[*President; Mr. V. N. Narasimmiyengar.*]

11. I may also say that as far as the conditions in Mysore are concerned, I fail to see any meaning in the antithesis set up between official and non-official views of a question, or the views entertained by Government and those entertained by the people. The Government here is all centred in the Maharaja, and you know that I am indulging in no expressions of exaggeration when I say that as far as our Maharaja is concerned he has in Governmental matters no interests apart from those of his subjects. To Him we may without suspicion of flattery apply the beautiful sentiment of the poet Kalidasa, which was quoted the other day in the Imperial Legislative Council:—

प्रजानामेव भूत्यर्थं स ताभ्यो बलिमग्रहीत् ।
सहस्रगुणमुत्स्रष्टुमादत्ते हि रसं रविः ॥

"For the welfare of the subjects themselves he used to take taxes from them, just as the sun takes water from the earth, to return the same a thousandfold in the shape of rain."

12. In creating a Legislative Council and by summoning to it representatives of non-official public opinion, His Highness has given one more proof of his solicitude for the welfare of his subjects. It behoves us accordingly, by the proper discharge of the trust assigned to us, to justify the departure which His Highness has thus made in the constitution of the Government, and I have every confidence and hope that with your aid, gentlemen, the Council will fulfil the expectations which His Highness has formed in creating it.

MR. V. N. NARASIMMIYENGAR:—

SIR,

On behalf of the non-official members, I beg leave to offer to His Highness the Maharaja's Government our hearty acknowledgments for the establishment of the Mysore Legislative Council, the opening of which marks this as a red-letter day in the political history of Mysore.

We look upon this institution as the recognition and fruition of the grand central principle that the interests of the Sovereign and his subjects are identical, and that it is indispensable in the cause of good and progressive government that the ruler should be constantly in sympathetic touch with the people and should take into his mature consideration their ideals, sentiments, and aspirations in every measure of legislation undertaken for their benefit.

The elective principle is still in its infancy in India, and much more so in Mysore, although in Mysore it has the advantage of prospering under an indigenous rule. The appointment of non-official members by nomination, rather than election, was therefore at first indispensable. But it is felt by the public at large that in order to attain a full measure of efficiency, the Council should be more extensively representative, and should be able to express the sentiments of the people.

We are conscious that the results of the present experimental and limited measure will be watched outside our own territories with interest, and that much discretion and self-restraint are required on our part to make it efficient, and to prevent it from becoming abortive; and it is our fixed intention so to discharge our duties in this connection as to ensure its success without, however, sacrificing any interests that may be involved in the business brought before us.

In conclusion, Sir, we beg leave to be permitted to hope that after this Council has been in practical working for some time, and when the results so far achieved will justify it, His Highness the Maharaja's progressive Government will be pleased in the fulness of time to enlarge the constitution and powers of the Legislative Council, so that it may become truly representative, and may be allowed to take a share with the Government in the administration of the country.

Bill to consolidate and amend the Law relating to Village Offices in Mysore.

MR. T. ANANDA RAO :—

SIR,

The desirability of an enactment to regulate decisions of questions relating to Village Offices has been engaging the attention of the Authorities since the days of the Commission.

2. In his letter No. 1162, dated 30th August 1877, reporting on a case in which the Commissioner of the Nundydroog Division had asked for the Chief Commissioner's sanction for revising the Shanbhogi circles formed by the Survey Department, the Survey and Settlement Commissioner incidently remarked that "in Bombay so much trouble was caused by appeals and complaints from the decisions of the local officers, and the intrigue in connection with these had become such a scandal, that Bombay Hereditary Offices Act III of 1874 was passed for the purpose of regulating the course of procedure in these cases and placing them beyond the sphere of petty intrigue."

3. Thereupon, the Chief Commissioner, Mr. Saunders, considered that the Bombay Act, commonly known as the Watandar's Act, might, with advantage, be introduced into Mysore with suitable modifications. He called for the opinions of the Divisional Commissioners and Deputy Commissioners on the subject.

4. Of the three Commissioners, the Commissioner of Nagar, Major W. Hill, considered that the Hukumnamas of Sir Mark Cubbon, then extant, were sufficient for all purposes, and did not see the need for the Bombay Act, on the ground that the very term Watan was foreign to Mysore, that the Act encouraged the division of hereditary offices and that it recognized the rights of females to succeed to village offices contrary to the Chief Commissioner's disallowance of such "woman's rights" in the matter. He was also unwilling to make additions to the Statute Book in view of the Rendition of the State then imminent. The Commissioner of Nundydroog, Col. J. L. Pearse, was of opinion that the Act should be thoroughly revised so as to suit local conditions, and suggested the appointment of a Committee in which a senior officer of the Survey and Settlement Department may be associated to deal with the subject. The Officiating Commissioner of Ashtagram, Major R. C. Cole, sent some notes on the Act showing how far its provisions were already in force in Mysore. Of the Deputy Commissioners consulted, the Deputy Commissioner of Mysore did not reply; the Deputy Commissioner of Hassan had no opinion to offer; the Deputy Commissioners of Bangalore and Kadur (Captain Cumming and Major Blair respectively) were for the introduction of the Act; the Deputy Commissioners of Kolar, Tumkur, Shimoga and Chitaldrug (Mr. Krishna Iyengar, Captain Ludlow, Col. Mottett and Major Armstrong respectively) stated that the provisions of the Bombay Act had to be examined and amended to suit local conditions. Though the Deputy Commissioner of Hassan did not offer any remarks of his own, he forwarded the opinions of his Assistant Commissioner, of whom Mr. V. N. Narasimmiengar, whom we have the pleasure of seeing among us at this table, wrote that the Act appeared to be far too elaborate and intricate for the requirements of Mysore, though the main principles thereof were sound, and could be adopted in the shape of Rules. In February 1878, the entire correspondence was forwarded to the Survey and Settlement Commissioner (the Hon'ble Col. W. C. Anderson) for opinion.

5. No further action appears to have been taken until November 1888, when, on an inquiry from the Dewan's Office, the Superintendent of Revenue Survey (Col. Grant) reported that the Hon'ble Col. Anderson did not seem to have taken up the question for final report, but his numerous annotations on the papers sent to him showed that the matter engaged his close attention. Col. Grant suggested that the Act should be gone over by a competent Committee, and the provisions introduced with such alterations as the local conditions demanded. He thought that the introduction of the Act would follow naturally on the introduction of the Land Revenue Code.

[*Mr. T. Ananda Rao.*]

6. The subject engaged the attention of the late Dewan, Sir K. Sheshadri Iyer, who, on the 4th July 1894, minuted that "this is a complicated Act which it is not desirable to introduce into this Province. No further action is therefore required. The whole may be filed."

7. In the meantime, a vast body of scattered and disjointed rules and orders with regard to village officers came into existence. Some of these are collected and printed as Chapter III in the Revenue Manual of 1901. Some of them, such as the rules for the remuneration of Patels and Shanbhogs and minor village servants have the force of law; others are orders passed by Government in appeals from the decisions of Revenue Officers in regular suits; and a large number are administrative orders passed on the miscellaneous side and, as such, liable to be disregarded by subordinate officers in regular suits. The course of decisions, too, especially in the matter of succession to village offices, has not been by any means uniform or certain, with the result—which conflicting decisions induce—of encouraging litigation. All this has accentuated the necessity for legislation. Lastly, as the success of the Revenue Administration depends to a great extent upon the efficiency of the village service, the introduction of a law to regulate the latter and place it upon a proper basis, only follows naturally on the introduction of the Land Revenue Code which has governed the former for the last nineteen years.

8. The subject was taken up in December 1899 by the then Revenue Councillor of Eastern Division (the present Dewan), Mr. V. P. Madhava Rao, who asked for a reconsideration of the whole question, and the framing of a bill on the lines of the Bombay Act with the necessary modifications in consultation with Col. Grant.

9. The Bombay and Madras Acts relating to hereditary offices were examined, with the result that the Bombay Act was found to be unsuited for reasons of which the principal were :—

(i) The Bombay Act—as is the case with old enactments—entered into minute details which would now be more conveniently dealt with in rules framed under an Act;

(ii) The Bombay Act did not recognize the practice of bringing a suit for possession of a hereditary office. Such a practice has existed in Mysore.

(iii) The Bombay Act contemplated a regular settlement in the case of each Patel and Shanbhog. There is reason to believe that such a settlement was attempted in the days of the Commission in some districts of Mysore, but with no satisfactory result.

(iv) Some of the provisions in the Bombay Act were opposed to prevailing rule or practice in Mysore. For example, Deputy Commissioners in Mysore have long exercised the power, in certain contingencies, of dismissing village officers without the previous sanction of Government. It would be otherwise under the Bombay Act.

10. The provisions of the Madras Hereditary Village Offices Act III of 1895, were found to be more in conformity with local practice and adaptable to local requirements.

11. A bill was accordingly drafted in the Legislative Department. The object in view, while so drafting, was not to introduce any radical change in the present system but to adhere, as far as possible, to the traditions of Mysore Village Service with just such modifications as would be necessary to improve the efficiency of that service. The main principles of the bill are—

(i) that it prescribes qualifications, fixes the powers of appointment, removal and punishment of Village Officers in Sirkar villages, and also in alienated tracts;

(ii) that it simplifies the procedure regarding suits;

(iii) that it abolishes the vexatious and inconvenient practice of having two or more holders of the same office doing duty jointly or by turns;

[*Mr. T. Ananda Rao; Mr. Kantharaj Urs; Mr. K. P. Puttanna Chetty.*]

(iv) that it does away with the practice of registering females in certain circumstances as the holders of Village offices, a practice which has been another prolific cause of inconvenience and inefficiency in the service.

12. The draft bill was circulated for opinion to the Commissioners of Survey, Revenue and Excise and Deputy Commissioners of Districts. All the officers consulted are unanimous in recommending legislation. Their criticisms and suggestions are valuable and entitled to careful consideration, and are reserved for such consideration at the hands of this Council to whom the bill will be submitted as originally drafted. I now move for leave to introduce the bill.

MR. M. KANTHARAJ URS seconded the motion. The motion was put to the Council and carried.

The Mysore Police Bill.

MR. K. P. PUTTANNA CHETTY:—

MR. PRESIDENT,

The bill which I have now the honor to introduce to the Council relates to the Police Administration of the Province, and aims at consolidating and amending the law regarding the constitution and organization of the regular and village Police. The subject of Police Administration has been a matter for careful consideration both in Mysore and British India during some time past. Its efficiency or otherwise deeply affects the welfare of the people, and the Government in Mysore have from time to time introduced such changes in the system as tended to make the Police more efficient and better adapted to the wants of the people. The efforts of successive Administrators have resulted in giving the Province a system of Police Administration somewhat different from that prevailing in the Regulation Provinces of British India, and with certain distinguishing features which have evolved from the traditions of the past and the growing necessities of a progressive Administration. I may say at once that this bill does not introduce any drastic changes in the organization of the Police as existing at present, but attempts to define more clearly and precisely what the present law leaves in some obscurity.

History of the Police of Mysore.

The history of the Police of Mysore is interesting and, in view of the fact that some of its prominent features are due to historical circumstances, it is not superfluous to trace it in brief outline. The present Police had its germ in the Kandachar system, which replaced in 1834 the earlier Police formed of village servants and the irregular infantry. The Kandachar system consisted of a large irregular, ill-paid force, with ill-defined duties. The members of the force had the charge of the collection of revenue, and were also employed in Police and other work. The Amildar was the head of the Taluk Police. The close connection which the Kandachar system entailed between the Police and the Revenue authorities led to attempts being made to separate the two by the formation of a separate civil corps. These attempts failed, but in 1866 the Government of India Act of 1861 was introduced into the Town and District of Bangalore. Mr. L. Bowring, the Chief Commissioner, agreeing with the Superintendents, strenuously resisted the extension of the Act of 1861 to the Province as a whole; and he was specially averse to adopting the Madras system, under which the Police were entirely dissociated from all connection with, and control by, the Revenue authorities, as wholly unsuited to the conditions of Mysore. The Government of India, in ordering the organization of the Police in the Province in 1871, observed that the Madras system was radically defective in that it overlooked in a great measure the existence of the village Police, and that a comprehensive Police system should have village institutions as its basis, with the view of securing economy and efficiency. In pursuance of these orders, rules were framed in 1872 for the organization and regulation of the village and regular Police and for the guidance of the Magistracy in connection with the Police. Here ended the old Kandachar system, and it was superseded by the village and the regular Police, which has come down to the present time, with modifications and developments rendered necessary by the

[*Mr. K. P. Puttanna Chetty.*]

changing circumstances of the Administration. Under the new rules, Deputy Superintendents continued to be the heads of the Police in each District, and the Taluk Magistrates the heads of the village Police of their Taluks, while Inspectors were made the heads of the Taluk regular Police. The independence of the Taluk Inspector was soon done away with, and in 1878 he was placed in direct subordination to the Amildar—a practice which continues to the present day. Thus ever since 1834 and even earlier, the District Superintendents and their successors the Deputy Commissioners have been the heads of the District Police, and the Amildars, with the brief exception of the period from 1872 to 1878, the heads of the Taluk Police. The subsequent history of the Police Administration relates to the augmentation of the force from time to time, the creation of new posts to meet altered circumstances, the revival of the Police Assistant Commissioners who were latterly designated Superintendents and Assistant Superintendents, the appointment of an Inspector-General of Police in 1885, and framing of rules and orders regarding internal management of the force.

History of the bill.

Though the system of Police Administration thus underwent some changes, the law relating to it did not keep pace with them. At present there are two different enactments in force—Act V of 1861 in force in Bangalore City and the regular and the village Police rules of 1872 in the rest of Mysore. The desirability of having a uniform system was recognised in 1886. A draft regulation was then prepared repealing Act V of 1861 and extending the rules of 1872 to the whole Province. This and the later attempt to frame a Regulation extending Act V of 1861 to the whole Province and retaining as much of the rules of 1872 as seemed necessary, did not meet with approval. In 1897 a fresh draft Regulation was prepared on the basis of the Bombay District Police Act (4 of 1890) with such modifications as the circumstances of Mysore rendered necessary. This draft was further revised to bring it into greater conformity with the present system of Police Administration and was then circulated to selected officers for remarks. On the receipt of their opinions, some of the recommendations made were adopted. Government, however, in view of the importance of this measure, appointed in 1904 a select committee composed of Mr. A. Rangasamiengar as President, Mr. Carr, Mr. M. Narain Rao and myself as members for the careful revision of the draft. This committee discussed not merely the details of the draft but also certain matters of principle brought before it for consideration by Mr. Carr. The committee made its recommendations, which have been adopted in this bill, which has thus had the advantage of careful consideration by the Government and revision at the hands of a committee, whose members had special and intimate acquaintance with both the Police and the general Administration of the Province.

Constitution and Organization of the Police.

The most important point as regards the Police force is its constitution and organization. The bill, therefore, deals with this subject first. The entire Police establishment is constituted as one force under the immediate direction and supervision of the Inspector-General of Police, who is, thus, the head of the Police Department, and the adviser of Government in all matters connected with the Police. He exercises general control over the Police and over crime—especially organised crime—and he is authorised to make rules and orders relating generally to the internal management and discipline of the force. He is assisted in the Districts, by District Superintendents and Assistant Superintendents who are purely Police officers, and in the Taluks by the Inspectors of Police. But, in conformity with the traditions of Police Administration in Mysore, the bill makes the Deputy Commissioner the head of the District Police, and continues the Police powers of the Amildar, who is to have general control over the Inspector of Police, the head of the Taluk Police.

[*Mr. K. P. Puttanna Chetty.*]

The Police powers of the Deputy Commissioner and the Amildar.

The continuance of the Deputy Commissioner as head of the District Police and the controlling powers of the Amildar over the Taluk Police have recently been subjected to hostile criticism. In some of the Provinces of British India the Police are independent of all control by Revenue officers, and it is the introduction of this system that was asked for by Mr. Ricketts in 1891 and recently by Mr. Carr. The proposal of Mr. Ricketts involved, as Mr. Carr's proposals do, the relieving of Deputy Commissioners and Amildars of all control over the Police or some proper limitation of such control. The Government, however, after careful consideration were of opinion that the Deputy Commissioners should, in the interests of an efficient Police Administration, continue to be the heads of Police in their Districts, and that it was not expedient to relieve the Amildars of their Police functions, as the advantages accruing from the measure were doubtful, while the disadvantages resulting therefrom were manifold. This was in 1892. During the meetings of the select committee in 1904, Mr. Carr revived these proposals, and the committee, after a full discussion, have recommended the continuance of the controlling powers of the Deputy Commissioners and Amildars over the District and Taluk Police respectively. Government have decided to accept these recommendations. The necessity for a change in a system which has given satisfaction during the last seventy years, has yet to be proved, and it cannot be based merely on a need for uniformity with the systems prevailing in some of the more advanced Provinces of British India. If experience is to be any guide, the present system in Mysore has much in its favor. Every successive Administration that had to deal with this question during the last half a century, has declared, in no uncertain terms, in favor of the system as prevailing in Mysore. The question is not purely one of departmental organization, but must be viewed also from the higher stand-point of the welfare of the people. As regards the Deputy Commissioner, he is the chief officer responsible for the administration of his district. As such, he must have intimate knowledge of the work of the Police, which can only be obtained by his being at its head. Again, it cannot be gainsaid that the work of the Police will improve in quality if it had the Deputy Commissioner's guidance and supervision, valuable on account of his knowledge of the district; while, at the same time, his authority will be a constant check on the excesses to which the Police may be hurried in their departmental zeal. The state of things under which the Deputy Commissioner is head of the Police instead of the District Superintendent, is at variance with the provisions of Act V of 1861 and the Madras Police system. But even there, it was clearly intended that the District Police Administration should vest jointly in the District Officer and the District Superintendent, the former being the guiding and supervising authority, and the latter his executive officer. Even the Police Codes of the various Indian Provinces recognise the need for supervision by the executive officer who is primarily responsible for the due administration of Criminal Justice. But such useful supervision is made difficult in British India by making the District Superintendent the head of the Police. Being subject to the executive officer only in his capacity as District Magistrate, the Superintendent resents all interference in the internal management of the force, and the natural result is conflict between the two. If the District Superintendent were subordinate to the Deputy Commissioner in law as in practice, we would have not merely the advantage of the Deputy Commissioner's help and guidance but also the absence of conflict between the two which is so injurious to efficient administration. Surely, therefore, it is no anomaly to declare the chief executive authority as head of the Police also, and the District Superintendent, as his Assistant in Police matters. Of course, petty and constant interference in the details of Police work is also injurious; but, I think, it may be safely left to the good sense and discretion of the Deputy Commissioner when to interfere and when not. At the same time, Government think that some liberty of action should be given to District Superintendents, and, accepting the recommendations of the committee, have provided in the bill, that the Deputy Commissioner should confine himself to matters connected with the efficient discharge of their duties by the Police of his district. The District Superintendent is invested with

[*Mr. K. P. Puttanna Chetty.*]

immediate control, without prejudice to the powers and responsibilities of the Deputy Commissioner, over ordinary matters connected with arms, accoutrements, drill, observation of gangs and suspects, collection of intelligence, distribution of duties and beats, education of men and officers and all other matters of ordinary routine nature. He can also correspond direct with the Inspector-General of Police in purely routine matters.

The exercise of Police powers by the Amildar is, I admit, subject to more theoretical objections than the case of Deputy Commissioners. But, I must once more repeat, the question must be looked at also from the side of practical utility. Any successful Police system in India, as the Government of India recognised long ago, must have the village Police as its backbone. The Amildar's active co-operation is essential for its amelioration and effective working; and it cannot be secured by divesting him of executive control over the Police. Moreover, the Amildar, being the local representative of Government, enjoys the confidence of the people in much larger degree than any purely departmental officer. His knowledge of what takes place in the corners of his taluk will act as a powerful check upon the abuses of the Police. The advice and co-operation of the Amildar, with his resources as the Revenue officer of the taluk, will go a great way in preventing that failure of justice which is too often due to the inefficiency and corruption of the subordinate Police. The only valid objection appears to be the combination of Magisterial and Police powers in an officer of the Amildar's status. In practice, however, no inconvenience is found to arise. He cannot try cases in which he has taken part as a Police officer. Again, all important Police cases being 1st class or Sessions cases, he cannot try them also. The principle of separation of executive and judicial functions, if pushed to its logical conclusion, would require, not that the Amildar should be divested of Police functions, but that he should be divested of Magisterial functions.

I have dealt with this question at length both because of its intrinsic importance as one of the characteristic features of our system, and because it may be thought that the recommendations of the recent Police Commission lend weight to the suggestions of Mr. Carr. Whatever may be the case in British India, it seems possible, in a Native State, to attain that co-ordination of functions in the same officer, which neither impairs efficiency nor divides responsibility.

Internal Regulation and Discipline.

I now pass on to the internal discipline of the force. This must, to a large extent, be entrusted to the Inspector-General of Police. He is empowered to make rules, subject to the orders of Government, on all matters referring to the discipline of the force. The Inspector-General can punish departmentally any Police officer below the grade of Assistant Superintendent, while the Deputy Commissioners and District Superintendents can punish officers below the grade of Inspectors. Except in the case of constables, where the Inspector-General of Police is the final authority, appeals lie to Government in all other cases of departmental punishment.

Police Regulations.

I will next draw your attention to the Chapter on Police Regulations, where you will find a number of provisions relating to the welfare and convenience of the public. Most of them confer necessary powers on the District Magistrate, while some enable the Police to act in emergent cases. The District Magistrate is empowered to make rules or orders on such matters as closing streets, preventing building materials to be left on the road, preventing people suffering from infectious diseases being carried through the streets, and matters of that kind, where regulations are necessary for the safety of the people. Certain powers are likewise given to Magistrates to preserve good order and decency. Thus, in Section 37, provision is made for dealing with brothels; Section 39 enables a Magistrate to make rules or orders to prevent riots and affrays between different classes of the community. Power is also given to Magistrates to prevent the uttering of obscene cries, or cries which tend to inflame religious

[*Mr. K. P. Puttanna Chetty; Mr. A. Rangaswami Iyengar; Mr. T. Ananda Rao.*]

animosity. Section 43 empowers a Magistrate to take all fitting steps against gangs of persons whose presence creates alarm in the neighbourhood. Similarly the Police are given certain powers against disorder in public places of amusement and in public meetings, and to regulate assemblies and processions in the streets.

Executive powers of the Police.

Chapter V contains exhaustive and, to a certain extent, novel provisions regarding the executive powers of the Police. Sections 47 and 49 define specifically the proper duties of the Police; while Section 48 emphasises the humane aspect of their duties; namely, to be of help to the helpless or disabled persons in the streets and to behave with gentleness and humanity. This is not a mere pious wish; for unnecessary harshness on their part in dealing with persons whom they arrest or search, is made punishable.

Of the remaining provisions, very few require any particular reference. The bill provides for the employment of additional Police whenever occasion demands it. If, in times of danger or serious breach of the peace, the Regular Police may be found to be insufficient, power is reserved to employ additional Police, the cost to be recovered from the inhabitants or any section or class of them, of the local area the disturbed condition of which necessitated such addition. The sympathy of the law-abiding section of any disturbed place is intended to be secured by enrolling them as Special Police Officers to put down lawlessness. Section 55 and its sub-sections provide punishments for various Police offences, Section 56 provides a proper remedy against cruelty to animals. Sections 61 to 68 incorporate the provisions of the Gambling Act (III of 1867) the extension of which to the whole of Mysore has been repeatedly urged from various quarters.

I have endeavoured briefly to explain the main features of the bill, and hope that it will receive full and exhaustive consideration in this Council. I now move for leave to introduce the bill.

MR. A. RANGASWAMI IYENGAR, seconded the motion. The motion was put to the Council and carried.

Bill to amend the Court-Fees Regulation III of 1900.

MR. T. ANANDA RAO:—

SIR,

I solicit leave of this Council to introduce a bill for amending the Court Fees Regulation III of 1900, in one respect. It is a short measure which will not engage the Council long. It is calculated to afford relief in respect of Court-fees to landholders and agriculturists who have the misfortune to be involved in litigation and to have recourse to Civil Courts.

2. Under Section 4, clause V, of the Regulation as it stands, the Court-fees payable in suits for possession of land, houses and gardens are regulated by the value of the *subject-matter* of the suit. The words 'subject matter' have been differently interpreted, and the prevailing interpretation has been that the words denote the property concerned in the suit, *viz.*, the land, house or garden itself, irrespective of the nature of the right involved. Thus, no distinction is made be[illegible]es in which the title to the property is itself in dispute and those cases in which w[illegible]etory right being disputed, the right to eject a tenant or other person i[illegible]nuted. If a house or garden worth fifty thousand ru[illegible] the amount of Court-fee payable on the plain[illegible]le itself is in dispute or is only an ejectr[illegible]ct of the conditions of a te[illegible]uts in ejectment suits.

[illegible]mment by members

[*Mr. T. Ananda Rao; Mr. S. Narayana Rao; The President.*]

in the Representative Assembly. By way of remedy, it is proposed to amend the Regulation so as to make a distinction between the two classes of cases and to allow of a smaller amount being payable as Court-fee on plaints in the latter class, *viz.*, purely ejectment suits.

3. I may add that, under Section 12 of the Mysore Legislative Council Regulation, the permission of the Dewan has been obtained in writing for the motion, which I now make.

MR. S. NARAYANA RAO :—I second this motion and I do so with great pleasure for the reason that in the course of my practice as a legal practitioner, I came across several cases of hardship in suits between landlords and tenants, which hardship the present bill is intended to remedy.

The motion was put to the Council and carried.

THE PRESIDENT :—

The leave to introduce the bills having been obtained, the next thing to be done is to publish these bills in the *Gazette*, and it is only after this is done that another meeting can be held. At the next meeting the principles will be explained, and the bills will be proceeded with, and after discussion, referred to a select committee, if necessary. These bills, as you are aware, are old ones, having been in the hands of Government for some time. We have, in anticipation of their being brought before this regularly constituted Council, taken steps to have them printed, and they will be ready much sooner than would otherwise be the case. I expect all the three bills will be published in the *Gazette* within fifteen days from now, and I suppose it would suit the convenience of the Council to meet again some time in the middle of August, and if that is inconvenient, in the last week of August.

After consulting the members, the Dewan announced that the next meeting would be held on Wednesday, the 28th August.

The meeting was then dissolved.

V. P. MADHAVA RAO,
President.